

City Council Introduction: **Monday**, December 17, 2001
Public Hearing: **Monday**, January 7, 2002, at **1:30 p.m.**

Bill No. 01-185

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3330**, from AG Agricultural to R-3 Residential, requested by Olsson Associates on behalf of Ridge Development Company and Southview, Inc., on property generally located northwest of the intersection of South 27th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Special Permit No. 1946, Stone Ridge Estates Community Unit Plan (01R-333) and Preliminary Plat No. 01010, Stone Ridge Estates (01R-334).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/28/01
Administrative Action: 11/28/01

RECOMMENDATION: Approval (7-0: Hunter, Carlson, Taylor, Krieser, Newman, Steward and Schwinn voting 'yes'; Bills and Duvall absent).

FINDINGS OF FACT:

1. This change of zone and the associated community unit plan and preliminary plat were heard at the same time before the Planning Commission.
2. The staff recommendation to approve this change of zone request is based upon the following analysis:
 - A. The Land Use Plan of the Comprehensive Plan designates this area as Urban Residential, and the proposed R-3 zoning is consistent with this designation.
 - B. The proposed zoning conforms to the Comprehensive Plan.
3. The applicant's testimony is found on p.5-6. The applicant requested amendments to the conditions of approval on the associated preliminary plat.
4. There was no testimony in opposition.
5. The Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 10, 2001

REVIEWED BY: _____

DATE: December 10, 2001

REFERENCE NUMBER: FS\CC\FSCZ3330

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Stone Ridge Estates
Change of Zone #3330 (AG to R-3)
Preliminary Plat #01010
Special Permit #1946

DATE: November 14, 2001

****As Revised by Planning Commission 11/28/01****

PROPOSAL: Change of Zone #3330

Changes the zoning on 117.03 acres northwest of the intersection of South 27th Street and Yankee Hill Road from AG to R-3.

Preliminary Plat #01010

Creates 352 lots in 17 blocks with five outlots.

Special Permit #1946

A Community Unit Plan for ten single-family attached units on ten lots.

WAIVER REQUESTS:

Preliminary Plat

Waiver of curb and gutter along South 27th Street and Yankee Hill Road.

LAND AREA: Preliminary Plat: Approximately 117.03 acres.
Special Permit: Approximately 2.64 acres.

CONCLUSION: The change of zone and special permit conform to the Land Use Plan and the Comprehensive Plan and the Zoning Ordinance.

The preliminary plat requires minor revisions to comply with design standards and be consistent with Title 26 (Land Subdivision).

RECOMMENDATION:	Change of Zone #3330:	Approval
	Preliminary Plat #01010:	Conditional Approval
	Special Permit #1946:	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Change of Zone #3330 (AG to R-3): (See attached legal description for Preliminary Plat)

Preliminary Plat: (See attached legal description)

Special Permit #1946: (See attached legal description)

LOCATION: Northwest of the intersection of South 27th Street and Yankee Hill Road.

APPLICANT: Ridge Development Company
2001 Pine Lake Road Suite 100
Lincoln, NE 68542

OWNERS: Ridge Development Company & Southview, Inc.
2001 Pine Lake Road Suite 100
Lincoln, NE 68542

CONTACT: Mark Palmer, PE
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Undeveloped land used for agricultural crop production with a farmstead located in the northeast corner of the site.

SURROUNDING LAND USE AND ZONING:

North:	AG	Crop Production
South:	R-3	Single-family Residential
East:	R-3, B-2	Single-family Residential, Undeveloped Land
West:	R-3, AG	Single-family Residential

HISTORY:

July, 2001 - The land within this preliminary plat was included in Annexation #01004 which annexed approximately 259 acres northwest of South 27th Street and Pine Lake Road.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates Urban Residential uses for this area.

The land shown within the preliminary plat is located within the Phase I area of the Anticipated Lincoln Service Limit and Phasing Plan. It states "Areas in Phase I designated for immediate development will be contiguous to existing development with some or most of the required infrastructure in place."

UTILITIES:

Water - Water is available to the site, and the proposed public water system shown on the plat is satisfactory. Fire hydrants along Katrina Lane are incorrectly spaced, and one additional hydrant is required southwest of South 24th Street.

Storm Sewer and Drainage - The pipe serving the K1 drainage area appears inadequate and should be designed for a 10-year storm event. A swale over the pipe is also required per design standards.

Sanitary Sewer - Properties within this drainage basin are to be charged a connection fee to connect to the sewer system per the Wilderness Ridge annexation agreement. The developer of this site was a member of the coalition that build the original sewer, however all the members of the coalition are not involved with this development. The City Attorney must determine whether this project is responsible for a connection fee, or if it is exempt from paying all or a portion of this fee prior to acceptance of this plat by City Council.

STREETS: Internal streets are consistent with design standards, and provide connections to adjacent properties to accommodate future development.

TOPOGRAPHY: The site consists of gently rolling hills where the elevation is generally falling across the site from north to south, and from the east and west edges towards the middle of the site down to a small drainage that extends through the site flowing from northeast to southwest.

TRAFFIC ANALYSIS: South 27th Street adjacent to this plat is not paved to urban standards per subdivision requirements. As development continues in this area, improvements to South 27th Street and Yankee Hill Road will be required.

Because the southeast corner of this property has been removed from this plat, the impact of development at that location cannot be assessed. However, commercial versus residential development at this corner would represent significantly greater impact on surrounding infrastructure, and additional right-of-way and paving widths may be required.

ANALYSIS:

1. The Land Use Plan of the Comprehensive Plan designates this area as Urban Residential, and the proposed R-3 zoning is consistent with this designation
2. The proposed zoning conforms to the Comprehensive Plan.

Prepared by:
Brian Will, AICP
Planner

**CHANGE OF ZONE NO. 3330
and
SPECIAL PERMIT NO. 1946,
STONE RIDGE ESTATES COMMUNITY UNIT PLAN;
and
PRELIMINARY PLAT NO. 01010,
STONE RIDGE ESTATES**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 28, 2001

Members present: Hunter, Carlson, Taylor, Krieser, Newman, Steward and Schwinn; Bills and Duvall absent.

Planning staff recommendation: Approval of the change of zone and conditional approval of the community unit plan and preliminary plat.

These applications were removed from the Consent Agenda and has separate public hearing at the request of the applicant.

Proponents

1. Kent Seacrest appeared on behalf of **Ridge Development Company and Southview, Inc.**, and submitted proposed amendments to the conditions of approval on the preliminary plat.

Seacrest proposed that additional language be added to Condition #1.1.9 of the preliminary plat having to do with the proposed bike trail on Yankee Hill Road. The Comprehensive Plan shows the bike trail along the north side of Yankee Hill Road, which the applicant supports. However, the applicant does not believe it should be required to pay for the entire 10' width of concrete. The proposed amendment would require a sidewalk of 4' and the developer will contribute the equivalent of a 4' sidewalk in cash and the city will build the bike trail.

Seacrest requested to delete Condition #1.2: "Sewer connection fees to be determined by the City Attorney". This is one of those infrastructure cost issues that historically the Planning Commission has not wanted to deal with. Seacrest explained that this developer had to bring up a big sewer line to sewer this whole area a long time ago. The same set of developers did the golf course and overpaid for the sewer and the city knew it. The annexation agreement provided that if the clients bought other land that could come in, this developer would not have to pay the fee. Seacrest submitted that under that agreement, this developer should not have to pay that fee.

Seacrest also proposed an amendment to Condition #2.4:

~~“A waiver to curb and gutter provided the owner agrees to contribute 25% of the cost of improvements to that those portions of South 27th Street and Yankee Hill Road adjacent to this development.”~~

Seacrest believes that the condition proposed by the staff which requires this developer to contribute 25% for the urban curb and gutter is illegal under the subdivision ordinance, which specifically provides that the city cannot ask for a payment when there are residential lots up against a rural section (asphalt with no curb or gutter). The subdivision ordinance makes it clear that “when our lots do not get enough direct access, we cannot ask our lots to pay for a street they do not have access to”.

Seacrest also pointed to the following subdivisions that have been allowed to be built next to rural sections and which have received a waiver of this requirement: Williamsburg Village, Vintage Heights, Porter Ridge, Edenton, Country View, Pine Lake Heights, Cheney Hills, Eagle Crest, among others. He does not believe the staff can give an example where this condition has been required before. This would be a brand new policy issue.

The proposed amendment to Condition #3.2.8 is the same additional language as proposed in Condition #1.1.9 regarding the 4' wide sidewalk.

Carlson referred to Condition #2.4 and inquired about Yankee Hill Road. Seacrest explained that his clients just paid 100% to repave Yankee Hill Road. They put in an urban section so why would they pay another 25% for an urban section?

There was no testimony in opposition.

Staff questions

Hunter asked the staff to address the issue of the prior agreement for the sewer fees that were paid and whether the staff agrees with the proposed amendments. Rick Peo, City Law Department agreed with the applicant's proposed request to delete Condition #1.2 regarding the sewer connection fees. The prior agreement indicated that if the property owners bought additional property in that basin, they did not have to pay.

With respect to the proposed amendments regarding the bike trail, Peo believes that the subdivision ordinance is a little vague as to what, when, where and under what circumstances a bike trail can be required. The city can acquire easements, which this developer is providing. Peo does not see anything in the ordinance that requires that the bike trail be constructed by the developer as a minimum improvement. All public ways will be graded to full width and bike paths are listed in the table. It might be that there is something in between construction of the 10' trail and 4' sidewalk. They could be required to at least grade the trail to the full width, but the installation might be restricted to the width of the sidewalk. Peo has not had a chance to discuss this issue with the staff or the applicant.

With respect to the amendment to Condition #2.4 regarding curb and gutter, the preliminary plat ordinance provides that if access is relinquished to the arterial, the city cannot charge for it. Peo would need to review what has been past practice as to quality. Typically, we have asked for some type of compensation or some type of waiver. If we were looking for compensation it would be more typical to determine what is being saved by not putting in curb and gutter. These are issues that the staff has not had an opportunity to discuss. These proposed amendments were just brought to the staff's attention this morning.

Hunter asked whether the staff would need some time to work this out with the applicant. Peo thought that would be helpful because it does involve other staff opinions as well.

Schwinn asked if the developer would be amenable to a two-week deferral to get the issues resolved with the staff. Seacrest is fearful a two-week delay will be a problem because of the holiday season. Normally, he would support a deferral, but he believes that the staff basically agrees with the amendments.

Rick Peo suggested that Condition #1.1.9 be left in place and that the applicant's proposed amendment to Condition #3.2.8 takes care of it. Seacrest agreed.

Public hearing was closed.

CHANGE OF ZONE NO. 3330

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 28, 2001

Carlson moved approval, seconded by Steward and carried 7-0: Hunter, Carlson, Taylor, Krieser, Newman, Steward and Schwinn voting 'yes'; Bills and Duvall absent.

**LEGAL DESCRIPTION
PRELIMINARY PLAT
CHANGE OF ZONE**

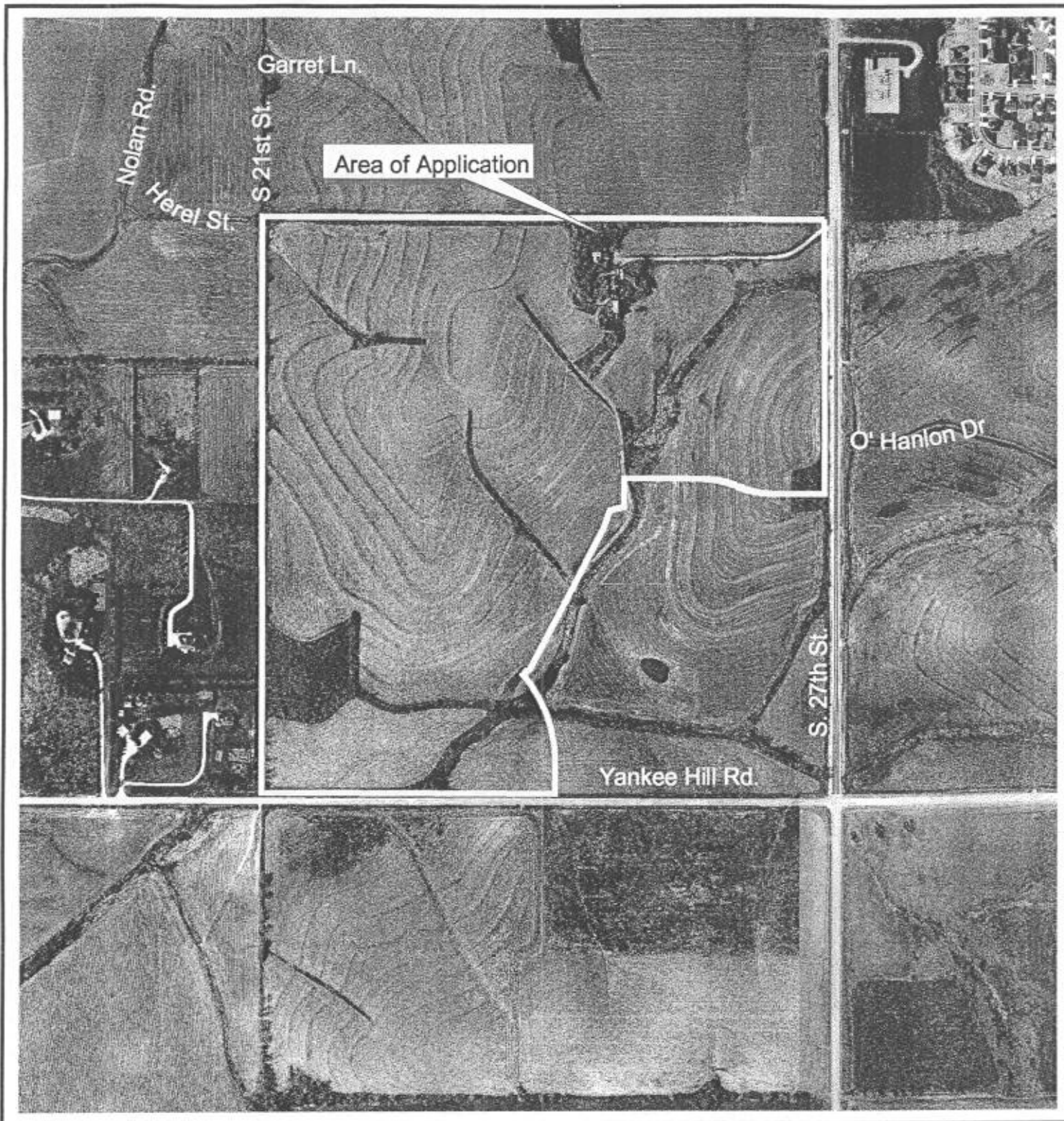
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 80 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 80 I.T., SAID POINT BEING 50.00 FEET WEST OF THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 02 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 80 I.T., AND ALSO ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 27TH STREET, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,276.82 FEET TO A POINT, THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF 207.04 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 400.0 FEET, ARC LENGTH OF 158.56 FEET, DELTA ANGLE OF 22 DEGREES 42 MINUTES 42 SECONDS, A CHORD BEARING OF NORTH 78 DEGREES 40 MINUTES 48 SECONDS WEST, AND A CHORD LENGTH OF 157.52 FEET TO A POINT; THENCE NORTH 67 DEGREES 19 MINUTES 27 SECONDS WEST, A DISTANCE OF 84.84 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 400.00 FEET, ARC LENGTH OF 147.15 FEET, DELTA ANGLE OF 21 DEGREES 04 MINUTES 39 SECONDS, A CHORD BEARING OF NORTH 77 DEGREES 51 MINUTES 47 SECONDS WEST, AND A CHORD LENGTH OF 146.32 FEET TO A POINT; THENCE NORTH 88 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 148.41 FEET TO A POINT, THENCE SOUTH 89 DEGREES 57 MINUTES 52 SECONDS WEST, A DISTANCE OF 185.01 FEET TO A POINT, THENCE SOUTH 00 DEGREES 02 MINUTES 08 SECONDS EAST, A DISTANCE OF 130.00 FEET TO A POINT, THENCE SOUTH 77 DEGREES 26 MINUTES 11 SECONDS WEST, A DISTANCE OF 67.92 FEET TO A POINT, THENCE SOUTH 20 DEGREES 57 MINUTES 33 SECONDS WEST, A DISTANCE OF 86.51 FEET TO A POINT, THENCE SOUTH 28 DEGREES 01 MINUTES 29 SECONDS WEST, A DISTANCE OF 718.36 FEET TO A POINT, THENCE SOUTH 49 DEGREES 44 MINUTES 40 SECONDS WEST, A DISTANCE OF 41.65 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 630.00 FEET, ARC LENGTH OF 446.81 FEET, DELTA ANGLE OF 40 DEGREES 38 MINUTES 08 SECONDS, A CHORD BEARING OF SOUTH 19 DEGREES 57 MINUTES 49 SECONDS EAST, AND A CHORD LENGTH OF 437.50 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 131.92 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 80 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE NORTH 89 DEGREES 38 MINUTES 45 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 80 I.T., AND ALSO ALONG SAID

NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID LINE BEING 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,346.05 FEET TO THE SOUTHWEST CORNER OF SAID LOT 80 I.T., THENCE NORTH 00 DEGREES 04 MINUTES 41 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 80 I.T., SAID LINE ALSO BEING THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,614.11 FEET TO THE NORTHWEST CORNER OF SAID LOT 80 I.T., SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 40 MINUTES 53 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 80 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,583.11 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 5,097,941.63 SQUARE FEET OR 117.03 ACRES, MORE OR LESS.

November 15, 2001 (2:38PM)

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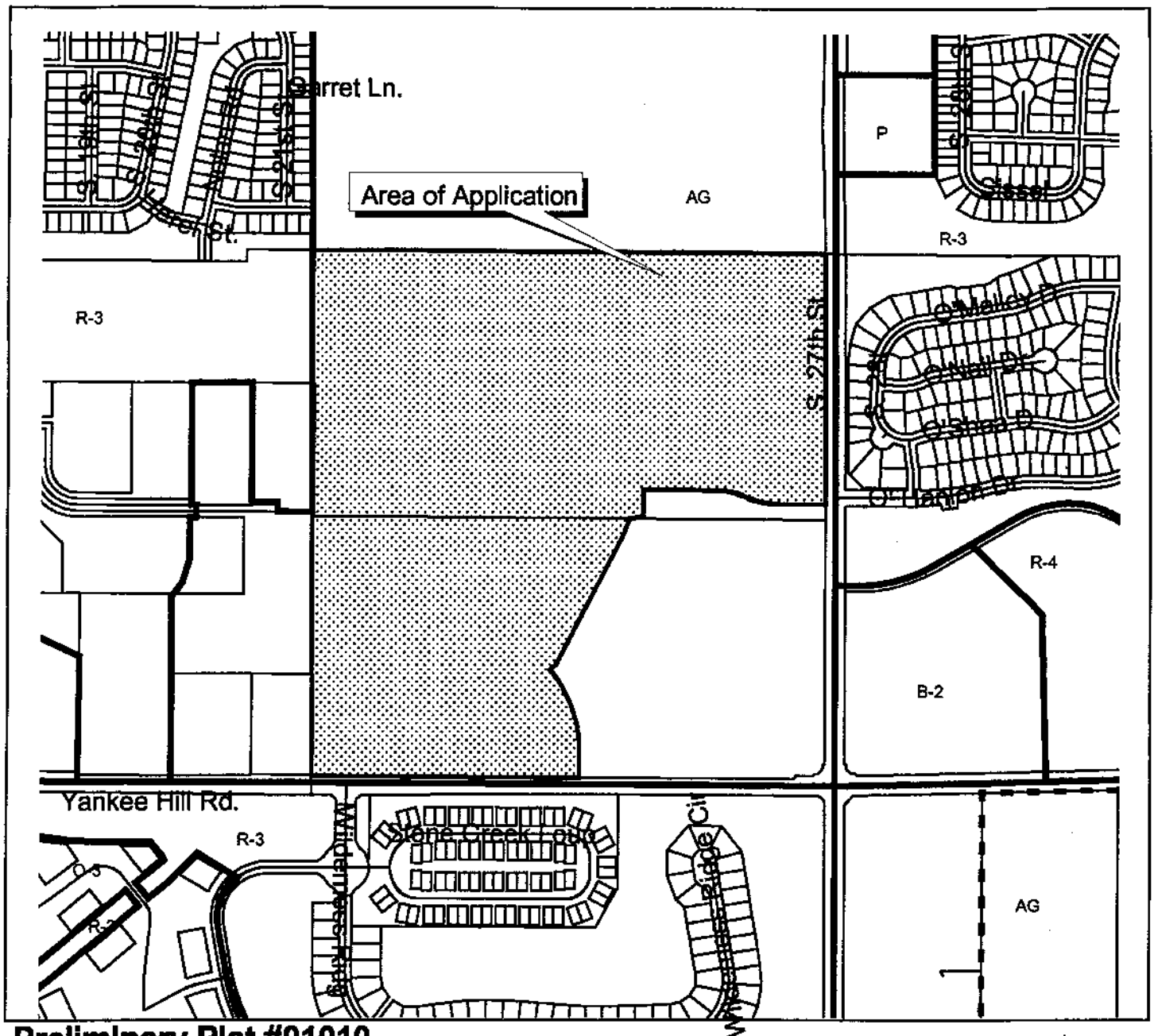
Preliminary Plat #01010
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S. 27th & Yankee Hill Rd.



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

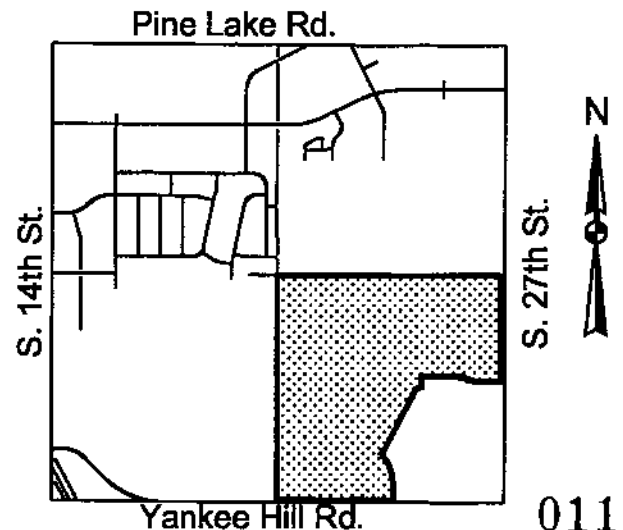
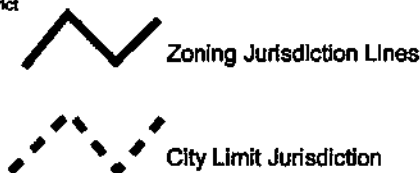


Preliminary Plat #01010
Stone Ridge Estates
Change of Zone #3330 from AG to R-3
Special Permit #1946
S. 27th & Yankee Hill Rd.

Zoning:

R-1 to R-3	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 24 T9N R6E



011

Nov. 2001

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